

A4



5/23/02

Assistant Commissioner of Patents  
USPTO  
Washington, D.C., 20231

Dear Sir,

This letter is in reference to USPTO 'Application number 10/056,662', with 'Filing Receipt Date 1/23/02' and 'First Named Applicant Daniel J. Benedict'.

There are three parts to this correspondence:

1. Timely response to Formalities Letter.
2. Instructions to delete the entire claim set from the original specification
3. Preliminary amendment to application.

Timely response to Formalities Letter:

This correspondence is in reply to Formalities Letter Confirmation No. 9818, 'Notice to File Corrected Application Papers' (date 2/26/02), requiring that the claims commence on a separate sheet, and also requesting filing fees for the claims.

In response to the Formalities Letter, please note that a one-month extension was filed and accepted extending the filing date for reply to the Formalities Letter to 5/26/02. However, please note that 5/26/02 falls on a Saturday and Holiday weekend and that the US Post Offices are closed on Saturday, 5/26/02, Sunday 5/27/02 and also closed on Monday 5/28/02 (Memorial Day). Therefore, the date as shown in the date in box on the "Express Mail Post Office to Addressee" label will reflect 5/29/02, the first date that the US Post Office is open after 5/25/02. Yet, the response to the Formalities Letter is timely as of 5/26/02 pursuant to Patent Rules.

Instructions to delete the entire claim set from the original specification:

Please delete claims numbered 1 through 193 from the application located in the original specification.

Preliminary amendment to application:

The preliminary amendment consists of filing a complete 'substitute' specification. The reason for the substitute specification is to clarify grammar and text in the specification, to correct clerical mistakes in the text of the specification, to correct incorrect numbering on drawings # 1 and # 2, to correct text in the abstract, and to reduce the number of

poorly worded and excessively redundant claims (in the original specification), and to comply with the request to file claims commencing on a separate sheet.

Please substitute the corrected and unmarked complete specification by preliminary amendment. Please replace the original specification with the substitute specification, which includes new claims numbered 1 through 59. As required, the claims commence on a separate sheet.

The following items are enclosed:

1. Copy of Formalities Letter Confirmation No. 9818.
2. Complete unmarked substitute specification.
3. Marked copy of specification showing correction.
4. Marked copies of drawings showing correction.
5. Marked copy of abstract showing correction.
6. New declaration regarding substitute specification by preliminary amendment.
7. Fee transmittal form.
8. Money order # 226327 in the amount of \$351.00 to cover claim fees.

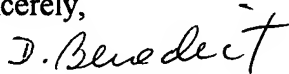
Note: The substitute specification contains 'NO NEW MATERIAL'.

[With reference to the term 'Antibiotic (A) concentration' in the substitute specification, references to antibiotics are located in the original specification (background of the invention) and in the original and deleted claims (# 138 and # 144)].

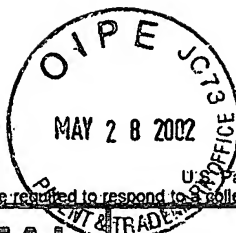
**There is no new material presented in the unmarked and substitute specification.**

Thank you for your consideration and assistance in this matter.

Sincerely,



Daniel J. Benedict  
3037 S. Princeton Ave, 3R  
Chicago, IL 60616



PTO/SB/17 (11-01)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL

## for FY 2002

Patent fees are subject to annual revision.

**Complete if Known**

Application Number	10/056,662
Filing Date	1-23-02
First Named Inventor	DANIEL J. BENEDICT
Examiner Name	
Group Art Unit	3736
Attorney Docket No.	

☒ Applicant claims small entity status. See 37 CFR 1.27TOTAL AMOUNT OF PAYMENT (\$)351.00**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit card ☒ Money Order ☐ Other ☐ None☐ Deposit Account:

Deposit Account Number	
Deposit Account Name	

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments☐ Charge any additional fee(s) during the pendency of this application☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
101	740	201	370	Utility filing fee	PAID
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$)

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
59	-20** = 39	9.00	351.-
3	-3** = 0	92.-	0.-
Multiple Dependent			

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)351.00

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

**SUBMITTED BY**

Name (Print/Type)	DANIEL J. BENEDICT	Registration No. (Attorney/Agent)		Telephone	312-949-1602
Signature	D. Benedict	Date	5-23-02		

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



UNITED STATES PATENT AND TRADEMARK OFFICE

COMM  
UNITED STATES PATENT

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/056,662	01/23/2002	Daniel J. Benedict	

CONFIRMATION NO. 9818

FORMALITIES LETTER

DANIEL J. BENEDICT  
3037 S. PRINCETON AVE. 3R  
CHICAGO, IL 60616



Date Mailed: 02/26/2002

NOTICE TO FILE CORRECTED APPLICATION PAPERS

*Filing Date Granted*

This application has been accorded an Application Number and Filing Date. The application, however, is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given **TWO MONTHS** from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a)

The required item(s) identified below must be timely submitted to avoid abandonment:

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- The Claim(s) commencing on a separate sheet (37 CFR 1.75(h)).

The required items noted below **SHOULD** be filed along with any items required above. The filing date of this nonprovisional application will be the date of receipt of the items required above.

- Total additional claim fee(s) for this application is \$2187.
  - \$1557 for **173** total claims over 20.
  - \$630 for **15** independent claims over 3.
- The balance due by applicant is \$ 2187.

*A copy of this notice MUST be returned with the reply.*

05/31/2002 ZJUARI 00000038 10056662

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351.00 0P

*Z. Araya*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

2005-05-05 14:00:00